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UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re

PHILIP JAMES LAYFIELD,
Debtor.

Case No. 2:18-bk-15829-NB

Chapter 7

**NOTICE OF HEARING ON WELLGEN
STANDARD, LLC'S MOTION FOR
SUMMARY JUDGMENT**

DATE: December 6, 2018

TIME: 10:00 a.m.

CTRM: 1545

**TO THE OFFICE OF THE UNITED STATES TRUSTEE, THE DEBTOR AND ALL
PARTIES IN INTEREST:**

PLEASE TAKE NOTICE that the court has signed an Amended Order Granting Application and Setting Hearing on Shortened Notice [Docket 107], (the "Order") regarding the Motion for Summary Judgment (the "Motion") [Docket 100] filed by Wellgen Standard, LLC ("Wellgen"), successor in interest to Advocate Capital, Inc. A copy of the Order is attached hereto. **The hearing on the Motion is set for December 6, 2018 at 10:00 a.m.**

1 in Courtroom 1545 of the United States Bankruptcy Court located at 255 East
2 Temple Street, Los Angeles, CA 90012.

3 **PLEASE TAKE FURTHER NOTICE** that opposition to the Motion, if any, must be
4 received by the Clerk of the Court, no later than 3:00 p.m. on November 27, 2018.

5 **PLEASE TAKE FURTHER NOTICE** that a reply to an opposition must be received
6 by 3:00 p.m. on December 3, 2018.

7
8 Dated: November 9, 2018

WEILAND GOLDEN GOODRICH LLP

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10 By: /s/ Faye C. Rasch
11 Faye C. Rasch
12 Wellgen Standard, LLC
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Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address WEILAND GOLDEN GOODRICH LLP Jeffrey I. Golden, State Bar No. 133040 jgolden@lwgfllp.com Faye Rasch, State Bar No. 253838 frasch@lwgfllp.com 650 Town Center Drive, Suite 950 Costa Mesa, California 92626 Telephone 714-966-1000 Facsimile 714-966-1002 <input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Attorney for: Wellgen Standard, LLC</i>		FOR COURT USE ONLY <div style="border: 1px solid black; padding: 10px; text-align: center;">FILED & ENTERED NOV 08 2018 CLERK U.S. BANKRUPTCY COURT Central District of California BY sumlin DEPUTY CLERK</div>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – <u>Los Angeles</u> DIVISION			
In re: PHILIP JAMES LAYFIELD, <div style="text-align: right;">Debtor(s).</div>		CASE NO.: 2:18-bk-15829-NB CHAPTER: 7 <u>AMENDED ORDER:</u> <input checked="" type="checkbox"/> GRANTING APPLICATION AND SETTING HEARING ON SHORTENED NOTICE <input type="checkbox"/> DENYING APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE <div style="text-align: right;">[LBR 9075-1(b)]</div>	
Movant (name): WELLGEN STANDARD, LLC			

1. Movant filed the following motion together with supporting declarations and (if any) supporting documents:
 - a. *Title of motion:* Wellgen Standard, LLC'S Motion for Summary Judgment
 - b. *Date of filing of motion:* 11/06/2018
2. Pursuant to LBR 9075-1(b), movant also filed an Application for Order Setting Hearing on Shortened Notice (Application) together with supporting declaration(s):

Date of filing of Application: 11/06/2018
3. Based upon the court's review of the application, it is ordered that:
 - a. ☐ The Application is denied. The motion may be brought on regular notice pursuant to LBRs.
 - b. ☒ The Application is granted, and it is further ordered that:

This form is optional. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

- (1) ☒ A hearing on the motion will take place as follows:

Hearing date: 12/6/2018	Place:
Time: 10:00 a.m.	<input checked="" type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012
Courtroom: 1545	<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367
	<input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501
	<input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701
	<input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101

- (2) ☐ No later than the deadlines given, **telephonic notice** of the hearing must be provided to all persons/entities listed: N/A
- (3) ☒ No later than the deadlines given, **written notice of the hearing** and a **copy of this order** must be served upon all persons/entities listed using the methods set forth below: ☐ ~~one of the methods checked~~ ☐ ~~all of the methods checked~~

(A) ☐ ~~Personal Delivery~~ ☐ ~~Overnight Mail~~ ☐ ~~First class mail~~ ☐ ~~Facsimile*~~ ☐ ~~Email*~~

(B) Deadlines for **RECEIPT** of Expedited Service **OF MOTION** – i.e., overnight mail, personal delivery, facsimile*, email*, or Notice of Electronic Filing (“NEF”):

Date: 11/9/2018
Time: noon

Deadlines for RECEIPT of Expedited Service OF AMENDED ORDER – i.e., overnight mail, personal delivery, facsimile*, email*, or Notice of Electronic Filing (“NEF”):

Date: 11/12/2018
Time: noon

Deadline to DEPOSIT of first class U.S. mail for service on all other creditors:

Date: 11/9/2018
Time: prior to collection time for that mailbox.

(C) Persons/entities to be served with written notice and a copy of this order:

Service to Mr. Layfield – Mr. Layfield must be served by U.S. Mail and email at his designated addresses (dkt. 45).
All other parties requiring service under the applicable rules: must be served via first class U.S. mail.

☐ See attached page

(D) Service is also required upon:
-- United States trustee (*electronic service is not permitted*)
~~Judge's copy personally delivered to chambers~~
(~~see Court Manual for address~~)

- (4) ☒ No later than the deadlines given, a copy of the motion, declarations, and supporting documents (if any), must be served on all persons/entities listed using: ☐ ~~one of the methods checked~~ ☐ ~~all of the methods checked~~ Same as above.

- (5) ☒ Regarding **opposition to the motion**

☐ opposition to the motion may be made **orally** at the hearing

☒ no later than the deadlines given, **written opposition to the motion** must be filed with the court and served upon all persons/entities listed using the methods set forth below: ☐ ~~one of the methods checked~~ ☐ ~~all of the methods checked~~

(A) ☐ ~~Personal Delivery~~ ☐ ~~Overnight Mail~~ ☐ ~~First Class Mail~~ ☐ ~~Facsimile*~~ ☐ ~~Email*~~

(B) **Deadline for receipt:**

Date: 11/27/2018

Time: 3:00 p.m.

(C) Persons/entities to be served with written opposition to the motion:

Any response must be **received** by the Clerk of Court by the Deadline, and as a reminder, any response filed by Mr. Layfield must comply with this Court's oral ruling at the hearing on October 24, 2018 adopting the "Tentative Ruling Authorizing And Directing Mr. Layfield To File And Serve Documents **In PDF Format**" (dkt. 88) (emphasis added). These procedures assure that documents can be entered immediately on the docket, thereby providing a Notice of Electronic Filing ("NEF") to counsel for movant Wellgen Standard, LLC and other parties in interest.

(D) Service is also required upon:

-- United States trustee (*electronic service is not permitted*)

-- ~~Judge's copy personally delivered to chambers~~
(~~see Court Manual for address~~)

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(6) ☒ Regarding a **reply to an opposition**:

☐ a reply to opposition may be made **orally** at the hearing.

☐ no later than the deadlines given, a **written reply to an opposition** must be filed with the court and served on all persons/entities listed using the same methods as for the moving papers (paragraph 3.b.(3) above): ☐ ~~one of the methods checked~~ ☐ ~~all of the methods checked~~

(A) ☐ ~~Personal Delivery~~ ☐ ~~Overnight Mail~~ ☐ ~~First Class Mail~~ ☐ ~~Facsimile*~~ ☐ ~~Email*~~

(B) Deadlines:

Date: 12/3/2018

Time: 3:00 p.m.

(C) Persons/entities to be served with written reply to opposition:

-- All persons/entities who filed a written opposition

(D) Service is also required upon:

-- United States trustee (*electronic service is not permitted*)

-- ~~Judge's Copy personally delivered to chambers~~
(~~see Court Manual for address~~)

(7) ☐ Other requirements: N/A

(8) ☒ No later than the deadlines given, movant must file a **Declaration of Notice and Service** establishing that telephonic notice, written notice, and service of the motion and this order was completed as set forth above, ~~and a judge's copy of the Declaration of Notice and Service must be personally delivered to the judge's chambers:~~

☐ at least 2 days before the hearing.

☒ no later than: Date: 11/12/2018 Time: 5:00 p.m.

* Service by electronic means (facsimile or email) requires compliance with F.R.Civ.P. 5(b)(2)(E).

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Date: November 8, 2018



Neil W. Bason
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 600, Costa Mesa, California 92626

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF HEARING ON WELLGEN STANDARD, LLC'S MOTION FOR SUMMARY JUDGMENT** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **November 9, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **November 9, 2018**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **November 9, 2018**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Neil Bason, 255 E. Temple Street, Los Angeles, CA 90012

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



November 9, 2018
Date

Kelly Adele
Printed Name

Signature

VIA OVERNIGHT MAIL/EMAIL

Philip James Layfield
c/o Maximum Legal Holdings, LLC
8 The Green, Ste 6426
Dover, DE 19901
Email: phil@maxium.global

VIA OVERNIGHT MAIL

Office of the United States Trustee
915 Wilshire Boulevard, Ste 1850
Los Angeles, CA 90047

Alliance Legal Solutions, Inc.
501 S. Sharon Amity Road
Charlotte, NC 28211-3099

Bofi Federal Bank
4350 La Jolla Village Drive, Ste 140
San Diego, CA 92122

Richard M. Pachulski
10100 Santa Monica Boulevard, #1300
Los Angeles, CA 90067

Electronic Mail Notice List

Wesley H Avery (TR) wes@averytrustee.com,
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